

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Monday, January 23, 2012 at 7:00 p.m.

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.

DATE POSTED: 01-19-2012

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

Jay Lambert-President David M. Nelson

Cecil E. Leonard-Vice President Brett N. Pelletier

Joan B. Chabot Edward Roderick

Robert D. Coulter

3. APPROVAL OF CONSENT AGENDA

All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be

removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

HONORABLE STATE REPRESENTATIVE JOHN G. EDWARDS

UPDATE ON CHARTER RATIFICATION

CONSENT AGENDA:

(C.A.) 1. a. Approval of Minutes from Special Meeting -Executive Session Only on December 20, 2011

b. Approval of Minutes from Regular Council Meeting December 12, 2011

(C.A.) 2. Receipt of Minutes from the Following Boards, Commissions

a. Wastewater Management Commission (Feb 2011 – Dec 2011)

b. Cemetery Commission

c. Fogland Beach Oversight Committee

d. Harbor & Coastal Waters Management Commission

e. Historic Cemeteries Commission

f. Zoning Board of Review

g. Budget Committee

(C.A.) 3. Correspondence – Receive and File

a. Resolution Received From Town of Glocester Regarding Amendment to RIGL 16-7-23

b. Resolution Received From Town of Exeter Regarding Aftermath of Tropical Storm Irene

(C.A.) 4. Received from Kate Michaud, Administrative Officer

- a. Report of Activities for December 2011**
- b. Status Outdoor Hydronic Heaters**

A-1 OPEN PUBLIC FORUM

Public Forum for Announcements, Comments, Questions

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

C. BOARD OF LICENSING

PUBLIC HEARING - ADVERTISED

1. Sandywoods Farm, Inc. , Muse Way – Request Entertainment License– Subject to Meeting All Legal Requirements

NON ADVERTISED LICENSE RENEWALS (February 11, 2012 to February 10, 2013)

2. Robert W. Ramos, 654 Penn Street, Fall River, MA – Requests Annual Renewal of Private Detective License - Subject to Meeting All Legal Requirements

a. Recommendation of Chief Blakey

D - APPOINTMENTS & RESIGNATIONS:

- 1. Appointment to Tiverton Historic Preservation Advisory Board
Rachel Peckham Elder, 364 Highland Road**

E - UNFINISHED BUSINESS:

- 1. Councilor Coulter – Discuss Process/Potential for Contract Offers to Department Heads**
 - a. Open Discussion on Ability to Extend Contract Offers to Some or All Department Heads**
 - b. Report to Public Status of Unionization Efforts**
- 2. DPW Director/Street Committee – Request Council Vote on Recommendation of DPW Services for Adelard Avenue, Clair Avenue, Murray Way and Grandview Avenue – Continued From January 9th Meeting**
- 3. Councilors Lambert and Coulter – Present Draft of One Year Report to Town Council President**
- 4. Town Administrator – PAYT Free Bag Program – Suggested Guidelines and Verification Process To Qualify for Free Bags – Continued From January 9th Meeting for Additional Information**

a. Treasurer's Summary on PAYT Cash Flow Receipts

F – FINANCIAL BUSINESS:

1. Baxter Dansereau & Associates LLP – Presentation of Annual Financial Report FY Ending June 30, 2011 and Vote of Acceptance

2. Tax Collector, Toni Lyn McGowan – Request Council Approval of Abatements for Uncollectable from Tax Year 2000 Totaling \$20,938.51

G - NEW BUSINESS:

1. Philomena Santos-Higgins, Cystic Fibrosis Foundation – Request Council Authorization for Cycle for Life Fundraising Event on Saturday, September 22 from 7:30 a.m. to 2:00 p.m.

b. Police Chief Blakey Recommendation

H – BIDS AND REQUESTS FOR PROPOSALS

1. Town Administrator – Request Council Approval to Advertise for Pocasset Hill Cemetery Maintenance Contract - Currently Expires on March 31, 2012

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

- 1. Brief Update on Tiger Tree/James Pelletier v Tiverton**
- 2. Open Meetings Act**
 - a. Response From Donna Cook**
- 3. Solicitor Response on Library Trustees**
- 4. DEM v School Committee**
 - a. Addendum to OWTS Feasibility Discussion Dated 11-29-11**
 - b. DEM Letter to Douglas Fiore Dated 11-8-2011**
 - c. Cover Letter to DEM from Douglas Fiore Dated 10-31-11**
 - d. OWTS Feasibility Discussion Dated 10-26-2011**
- 5. New Claim From Tiverton school Committee for FY 2010-2011**
 - a. Letter From Attorney Robinson to Commissioner of Education Deborah Gist**
 - b. Councilor Coulter Settlement Proposal With Possible Vote on**

Preliminary Approval

6. Tiverton Charter Amendment – Effective Date

L- TOWN CLERK ANNOUNCEMENTS

5. CLOSED EXECUTIVE SESSION

- 1. Litigation -42-46-5(a)(2) - Solicitor's Opinion Letter to Auditors Distributed Dec.12, 2011, Discussion**
- 2. Litigation -42-46-5(a)(2) Tiger Tree/James Pelletier v Tiverton**
- 3. Litigation -42-46-5(a)(2) Campbell et al v Town of Tiverton (TYC)**
- 4. Litigation -42-46-5(a)(2)Tiverton School Committee v Town of Tiverton**

A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended

6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to

address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”